

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:)

Yung-Chi CHENG *et al.*)

Application No.: 09/522,055)

Filed: March 9, 2000)

For: HERBAL COMPOSITION PHY-906)
AND ITS USE IN CHEMOTHERAPY)

Group Art Unit: 1651

Examiner: Patricia Patten

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not

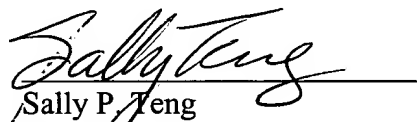
constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP


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Reg. No. 45,397

Dated: October 30, 2000
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INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) PTO Form 1449				Attorney Docket No. 044574-5064		Application No. 09/522,055			
				Applicants: Yung-Chi CHENG et al.					
				Filing Date: March 9, 2000		Group Art Unit: 1651			
U.S. PATENT DOCUMENTS									
*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date		
		4,613,591	09/23/86	Aburada et al.	514	34	06/29/83		
		5,437,866	08/01/95	Sun	424	195.1	11/05/90		
		5,665,393	09/09/97	Chen et al.	424	489	09/03/96		
		4,618,495	10/21/86	Okuda et al.	424	195.1	02/14/85		
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)									
		Bleiberg H., European J. of Cancer, 35(3), 371-379, 1999.							
		Govindarajan et al., Lancet, 356:566, 2000 (August 12).							
		Stucky-Marshall L., Cancer Nursing, 22(3), 212, 1999.							
		NOV 03 2000							
		TECH CENTER 1600/2900							
Examiner				Date Considered					
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.									